

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Stephen Smith,

Plaintiff(s),

vs.

Commissioner of Social Security,

Defendant(s).

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Case Number: 1:11cv778

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on October 23, 2012 (Doc. 15), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired November 9, 2012, hereby ADOPTS said Report and Recommendation.

Accordingly, the Administrative Law Judge committed reversible error. Her finding of non-disability cannot be upheld based upon the failure the Administrative Law Judge to develop the record on critical procedural issues.

It is **ORDERED** that the Commissioner's decision to deny plaintiff SSI benefits is **REVERSED** and **REMANDED** for further development of the record.

This case is hereby **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court